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# New evidence prompts delay in Lonetree case

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Naval investigators yesterday presented new espionage evidence against former Marine security guard in Moscow Sgt. Clayton J. Lonetree, prompting a delay in pretrial proceedings, the Marine's lawyer said yesterday.

William Kunstler, a defense attorney known for his past defense of U.S radicals and revolutionaries, told reporters that Marine prosecutors had agreed to the delay to allow defense lawyers to examine the new evidence presented by the Naval Investigative Service (NIS).

Mr. Kunstler and Michael Stuhff, another defense lawyer, declined to discuss any details of the new evidence, citing strict warnings from military judicial authorities not to disclose details of the closed proceedings.

The court proceedings at the Marine base in Quantico, Va., will resume May 11 Mr. Kunstler said.

Sgt. Lonetree and a second Marine embassy guard, Cpl. Arnold Bracy, have been accused of allowing Soviet agents inside the U.S. Embassy in Moscow on "numerous occasions." Officials have said both Marines were seduced into spying by female KGB agents employed by the Moscow embassy.

Mr. Kunstler and Mr. Stuhff, however, told reporters that Sgt. Lonetree did not pass any U.S. secrets to the Soviets during his tours of duty at the U.S. embassies in Moscow and Vienna.

Marine spokesman Lt. Col. John Shotwell said Sgt. Lonetree's hearing was recessed after four defense witnesses testified "to allow the defense additional time to prepare its case."

Cpl. Bracy's pretrial hearing also was delayed, until April 30, so that a newly appointed military attorney, Lt. Col. Michael L. Powell, could study the case, the Marine spokesman said.

Lawyers for Sgt. Lonetree have said Cpl. Bracy's statements to NIS investigators prompted the Marines to bring additional charges against Sgt. Lonetree, including the accusations that he allowed Soviet agents to enter the Moscow embassy. However, Cpl. Bracy was said to have recanted the statements later.

Both Marines appeared yesterday at what the military calls Article 32 hearings, similar to a grand jury probe, to examine whether there is sufficient evidence to order a court-martial.

A Marine once posted at the U.S. consulate in Leningrad also is being held on suspicion

of espionage, while several other Marine guards are suspected of violating regulations against socializing with East bloc nationals.

The latest developments occurred as national security and defense officials were locked in a policy dispute over the prosecution of the two Marine security guards charged with spying for the Soviet Union, administration officials and intelligence sources said yesterday.

According to one official, senior defense officials close to Defense Secretary Caspar Weinberger have been fending off a White House National Security Council effort to offer immunity from prosecution to Cpl. Bracy in exchange for his cooperation in a damage assessment of the spy case.

Another reason NSC officials want to grant immunity to Cpl. Bracy is to gain his cooperation in prosecuting Sgt. Lonetree, said the official who declined to be named. Evidence in the Lonetree case was said to be sparse and limited to statements made by the Marines to investigators.

One intelligence source singled out D. Barry Kelly, the NSC staff intelligence director, as the key proponent of granting immunity.

Mr. Kelly influenced National Security Adviser Frank Carlucci to support the immunity proposal in order to help the intelligence community assess the damage caused by the KGB's penetration of the Moscow embassy, the source said.

"Kelly got Carlucci to propose immunity," said the source, noting that Mr. Kelly ran the CIA's Moscow station in the late 1970s. "But you don't need the Marines' cooperation to learn the damage — we can find out on our own," he said.

An administration official close to the policy dispute also said "Kelly's shop [in the NSC] is opposing prosecution" for policy reasons.

The official said Mr. Kelly is known as a "softliner" on counterespionage policy and believes "positive collection" of intelligence information is hampered by active counterintelligence. Mr. Kelly opposes prosecution because of the public attention it generates, the official said.

Defense officials are opposed to any deals in the case because of the 1985 plea bargain in the John Walker espionage case.

Navy Seaman Michael Lance Walker, Walker's son, pleaded guilty to providing Navy secrets to the Soviets through his father in a Justice Department plea bargain opposed by then-Navy Secretary John Lehman. The deal gave Michael Walker what some officials considered a relatively light 25-year prison term. He spied for the Soviets while stationed aboard the aircraft carrier U.S.S. Nimitz.

The White House yesterday denied there were any policy difference over the Marine case.

"There's a lot of interagency interest in the investigation," said one official, who declined to be named. "However, there are no interagency conflicts and cooperation has been good with, and among, the various agencies."

Several U.S. agencies are investigating various aspects of the espionage case. The NIS is conducting a criminal probe and the State Department and CIA are conducting damage assessments. The Justice Department is advising military legal officials in the case.

The White House official declined to say whether the NSC favors granting immunity to the Marines.